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July 14, 2022

**VIA ECF**

Honorable Andrew L. Carter, Jr.  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *Ben & Jerry's Homemade, Inc. v. Conopco, Inc.*, No. 1:22-cv-05681-ALC  
Request for Adjournment for Good Cause Shown

Dear Judge Carter:

We represent Plaintiff Ben & Jerry's Homemade, Inc. in the above-referenced action. We make the following application on behalf of the parties. We write on behalf of the parties to jointly and respectfully request that the Court adjourn the hearing on Plaintiff's Order to Show Cause for Preliminary Injunction that is scheduled for this afternoon at 3:45pm in order for the parties to pursue an agreement to attempt to resolve their dispute through expedited formal mediation.

The parties acknowledge the late timing of this request under Your Honor's Individual Rules, and respectfully submit that under the present circumstances there is good cause for the requested adjournment. As the Court is aware, the Plaintiff's Order to Show Cause has been briefed on an expedited schedule, with Plaintiff's Opening Brief submitted on July 5, Defendant's Opposition Brief submitted on July 11, and Plaintiff's Reply Brief submitted yesterday, on July 13. The parties began discussing the potential for a non-litigated solution on Saturday, July 9. The discussions continued through this week, and went late in the evening on Wednesday after the reply brief was submitted and continued this morning and throughout today. The discussion took additional time because the parties' principals are located in different countries and time zones. If the hearing is adjourned, the parties intend to promptly undertake mediation, and have agreed to use best efforts to complete in-person mediation within two weeks. Should Your Honor have any questions or wish to discuss, counsel are available at Your Honor's convenience.



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There have been no previous requests for adjournment of the hearing on Plaintiff's Order to Show Cause for Preliminary Injunction. The Defendant consents to this request.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink that reads "Mark S. Cohen" followed by a stylized flourish or initials.

Mark S. Cohen

CC: All counsel (by ECF and email)